

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

UNITED STATES OF AMERICA,

Plaintiff,

v.

UNITED STATES SUGAR
CORPORATION, UNITED SUGARS
CORPORATION, IMPERIAL SUGAR
COMPANY, and LOUIS DREYFUS
COMPANY LLC

Defendants.

Civil Action No.: 1:21-cv-01644-UNA

**DECLARATION OF ROBERT H. BUKER, JR. IN SUPPORT OF DEFENDANTS’
MOTION TO TRANSFER VENUE PURSUANT TO 28 U.S.C. § 1404(A)**

I, Robert H. Buker, Jr., declare as follows:

1. I am the President and Chief Executive Officer of United States Sugar Corporation (“U.S. Sugar”), a defendant in the above-captioned action. I have been the Chief Executive Officer of U.S. Sugar since 2005. I am submitting this declaration in support of U.S. Sugar, United Sugars Corporation (“United Sugars”), Imperial Sugar Company (“Imperial”), and Louis Dreyfus Company LLC’s (“Louis Dreyfus Company”) (collectively, “Defendants”), concurrently filed Motion to Transfer Venue Pursuant to 28 U.S.C. § 1404(a) Or To Expedite Trial. I am familiar with the issues raised in this action and have personal knowledge of the facts stated herein.

2. U.S. Sugar is a ninety-year old Florida company that grows and processes sugarcane, citrus, and fresh vegetables. U.S. Sugar employs thousands of American farmers, manufacturing workers, and skilled tradesmen, and its primary owners are those employees, a large charity, and a children’s hospital. U.S. Sugar processes and refines sugarcane grown by its American farmers, which it then sells through a cooperative (United Sugars). The company that

U.S. Sugar is acquiring, Imperial, is in contrast a foreign-owned import-based refiner owned by Louis Dreyfus Company, which is based in The Netherlands. Imperial owns a sugar refinery in Port Wentworth, Georgia that relies almost exclusively on imported raw sugar to make refined sugar.

3. U.S. Sugar is acquiring Imperial's assets in order to modernize Imperial's aging refining facility so that it operates more efficiently, at a lower cost, and to increase U.S. Sugar's refined sugar output. Acquiring Imperial's Port Wentworth facility will allow U.S. Sugar to become more competitive and better positioned to hedge against and withstand extreme weather events that too often plague sugar farmers and the food supply chain in Florida and across the United States. The acquisition will also allow U.S. Sugar to provide a wider variety of sugar products to customers, and at the same time, consistent with the objectives of the federal U.S. Sugar Program and various Executive Branch mandates, make Imperial less reliant on foreign sugar imports.

4. U.S. Sugar does not have any offices, employees, or other physical assets in Delaware. U.S. Sugar's books and records are not in Delaware; they are primarily maintained in Clewiston, Florida.

5. I was one of the U.S. Sugar employees that was involved in U.S. Sugar's efforts to acquire Imperial's Port Wentworth refinery. Neil Smith, U.S. Sugar's Senior Vice President of Sugar Marketing, and Elaine Wood, U.S. Sugar's Senior Vice President and Chief Financial Officer, also participated. All three of us are based in Clewiston, Florida, and conducted negotiations in-person with Imperial in Florida. We also conducted due diligence, including site visits and plant tours, at the Port Wentworth facility outside of Savannah, Georgia, as well as in Kentucky and Texas. None of the negotiations or due diligence of U.S. Sugar's proposed

acquisition of Imperial's Port Wentworth facility took place in Delaware, and the Asset Purchase Agreement was not executed there.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct and that I have executed this declaration on December 2, 2021, in Clewiston, Florida

A handwritten signature in purple ink, reading "Robert H. Buker, Jr.", is written over a horizontal line.

Robert H. Buker, Jr.
President & Chief Executive Officer
United States Sugar Corporation

CERTIFICATE OF SERVICE

I hereby certify that on December 3, 2021, I caused the foregoing to be electronically filed with the Clerk of the Court using CM/ECF, which will send notification of such filing to all registered participants.

I further certify that I caused copies of the foregoing document to be served on December 3, 2021, upon the following in the manner indicated:

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/s/ Jack B. Blumenfeld

Jack B. Blumenfeld (#1014)